

Senate Study Bill 3220

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
AGRICULTURE BILL BY
CHAIRPERSON FRAISE)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for reporting regarding commercial feed
2 coproducts by biorefineries, and providing a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 6492XC 82
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1 1 Section 1. NEW SECTION. 198A.1 DEFINITIONS.
1 2 As used in this chapter, unless the context otherwise
1 3 requires:
1 4 1. "Biodiesel" means the same as defined in section
1 5 214A.1.
1 6 2. "Biofuel" means the same as defined in section 214A.1.
1 7 3. "Biomass" means the same as defined in section 469.31.
1 8 4. "Biorefinery" means a facility that processes and
1 9 converts biomass into a value-added product which may include
1 10 a biofuel and a commercial feed coproduct.
1 11 5. "Commercial feed" means commercial feed regulated by
1 12 the department pursuant to chapter 198.
1 13 6. "Commercial feed coproduct" means a coproduct derived
1 14 from material that remains after the removal of ethanol or oil
1 15 during the manufacture of biofuel, if the material is used or
1 16 further processed for commercial feed, including but not
1 17 limited to any form of distillers grain processed from corn as
1 18 part of a wet milling or dry grinding operation or seed meal
1 19 or cake produced from crushed soybeans.
1 20 7. "Coproduct" means a material other than biofuel
1 21 produced by a biorefinery.
1 22 8. "Department" means the department of agriculture and
1 23 land stewardship.
1 24 9. "Ethanol" means the same as defined in section 214A.1.
1 25 10. "Report" means a commercial feed coproduct report as
1 26 provided in section 198A.3.
1 27 Sec. 2. NEW SECTION. 198A.2 DEPARTMENTAL RULES.
1 28 The department shall adopt rules necessary to administer
1 29 this chapter. The rules shall include a designation of major
1 30 classes of commercial feed coproducts produced by
1 31 biorefineries in this state. The department's classifications
1 32 may be based on those recognized by the American feed industry
1 33 association.
1 34 Sec. 3. NEW SECTION. 198A.3 REPORTING REQUIREMENTS.
1 35 A biorefinery shall file a commercial feed coproduct report
2 1 with the department.
2 2 1. The department shall provide separate reporting
2 3 requirements for biorefineries that produce ethanol and
2 4 biorefineries that produce biodiesel. The report shall be
2 5 completed and submitted to the department in a manner
2 6 prescribed by the department. The department may require that
2 7 a report be filed in an electronic format. A biorefinery
2 8 shall file and submit a report at times determined practicable
2 9 by the department, but not later than each ninety days.
2 10 2. A report shall include all of the following:
2 11 a. The amount of commercial feed coproduct that the
2 12 biorefinery produced in the previous ninety days and the
2 13 estimated amount of commercial feed coproduct that the
2 14 biorefinery expects to produce in the next ninety days.
2 15 b. The number of tons of commercial feed coproduct that
2 16 the biorefinery transported by rail or barge in the previous
2 17 ninety days and number of tons of commercial feed coproduct
2 18 that the biorefinery expects to transport by rail or barge in

2 19 the next ninety days.
2 20 c. For each major class of commercial feed coproduct, all
2 21 of the following:
2 22 (1) The total number of tons that the biorefinery has
2 23 produced in the previous ninety days. For that period, the
2 24 report shall include all of the following:
2 25 (a) The moisture content, which may be expressed as a
2 26 range within limits established by departmental rules.
2 27 (b) The percentage recommended to be included in a diet
2 28 for beef cattle, dairy cattle, swine, or poultry, based on
2 29 recommendations of Iowa state university.
2 30 (c) The total number of tons purchased at the biorefinery
2 31 or delivered within this state.
2 32 (d) The minimum number of tons that were available to be
2 33 purchased at the biorefinery or delivered within this state.
2 34 (2) The total number of tons that the biorefinery expects
2 35 to produce in the next ninety days. For that period, the
3 1 report shall include all of the following:
3 2 (a) An estimate of the moisture content, which may be
3 3 expressed as a range within limits established by departmental
3 4 rules.
3 5 (b) The percentage recommended to be included in a diet
3 6 for beef cattle, dairy cattle, swine, or poultry, based on
3 7 recommendations of Iowa state university.
3 8 (c) An estimate of the total number of tons available to
3 9 be purchased at the biorefinery or delivered within this
3 10 state.
3 11 (d) An estimate of the minimum number of tons available to
3 12 be purchased at the biorefinery or delivered within this
3 13 state.

3 14 Sec. 4. NEW SECTION. 198A.4 PUBLICATION.

3 15 1. Except as provided in subsection 2, the department
3 16 shall publish commercial feed coproduct reports in an
3 17 electronic format on the department's internet web site.

3 18 2. Reported information regarding the estimated number of
3 19 tons of commercial feed coproduct that a biorefinery
3 20 transported by rail or barge in the previous ninety days and
3 21 expects to transport by rail or barge in the next ninety days
3 22 is confidential and is not a public record subject to chapter
3 23 22. The department shall aggregate such data in a manner that
3 24 does not disclose the identity of the biorefinery.

3 25 3. The department may compile the information contained in
3 26 the reports in a format that best assists purchasers of
3 27 commercial feed coproducts who reside within this state.

3 28 Sec. 5. NEW SECTION. 198A.5 EXCEPTION.

3 29 This chapter does not apply to a biorefinery which produces
3 30 less than thirty thousand tons of commercial feed coproduct
3 31 for sale during a year.

3 32 Sec. 6. NEW SECTION. 198A.6 CIVIL PENALTY.

3 33 The department shall establish, assess, and collect a civil
3 34 penalty for a violation of this chapter. A person who
3 35 violates this chapter is subject to a civil penalty of not
4 1 more than one thousand dollars. Each day that a violation
4 2 exists is considered a separate violation.

4 3 EXPLANATION

4 4 This bill provides for coproducts manufactured by a
4 5 biorefinery during the production of ethanol or biodiesel
4 6 which may be used as livestock feed, referred to in the bill
4 7 as a "commercial feed coproduct" and which is regulated by the
4 8 department of agriculture and land stewardship under Code
4 9 chapter 198.

4 10 The bill provides that a biorefinery is required to file a
4 11 commercial feed coproduct report with the department each
4 12 ninety days. The report must include information about
4 13 commercial feed coproducts that the biorefinery produced or
4 14 transported in the previous 90 days and the estimated amount
4 15 of commercial feed coproducts that the biorefinery expects to
4 16 produce or transport in the next 90 days. The bill provides
4 17 that the information must be divided according to class of
4 18 commercial feed as provided by departmental rule, and include
4 19 information regarding the amount produced or expected to be
4 20 produced, its moisture content, the percentage recommended to
4 21 be included in a livestock diet according to species, the
4 22 amount purchased or expected to be purchased at the
4 23 biorefinery or by delivery within this state, and the minimum
4 24 amount available for purchase or expected to be available for
4 25 purchase.

4 26 The department is required to publish information contained
4 27 in a report on its internet web site. However, information
4 28 regarding the estimated number of tons of commercial feed
4 29 coproduct that a biorefinery transported by rail or barge in

4 30 the last 90 days and expects to transport by rail or barge in
4 31 the next 90 days is confidential and shall only be published
4 32 in the aggregate.
4 33 The bill provides an exception for reporting by a
4 34 biorefinery that produces less than 30,000 tons of commercial
4 35 feed coproduct for sale during a year.
5 1 A person who violates the reporting requirements is subject
5 2 to a civil penalty of not more than \$1,000.
5 3 LSB 6492XC 82
5 4 da/nh/5